

FILED
DISTRICT COURT OF GUAM
JUL 23 2003
MARY L. M. MORAN
CLERK OF COURT

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5 3. Defendant admits the allegations contained in paragraph 7.

6 4. With respect to the allegations of paragraph 2, Defendant admits the first sentence thereof,
7 but denies the second sentence.

8 5. With respect to the allegations of paragraph 65, Defendant admits that it is subject to the
9 Family and Medical Leave Act of 1993, but denies all other allegations contained therein.

10 6. With respect to the allegations of paragraph 73, Defendant incorporates and re-alleges
11 its answers to paragraphs 1 through 72 of the Complaint as though fully stated herein.

12 7. With respect to the allegations of paragraph 75, Defendant admits that Plaintiffs complained
13 about some matters, denies that Plaintiffs complained about others, denies all other allegations of the
14 paragraph or that Plaintiffs followed proper complaint procedures with Defendant.

15 8. Except as expressly admitted herein, Defendant denies each and every allegation of
16 Plaintiffs' Complaint.

17 AFFIRMATIVE DEFENSES

18 1. In whole or in part, Plaintiffs fail to state a cause of action against Defendant.

19 2. In whole or in part, Plaintiffs fail to state a claim against Defendant upon which relief may
20 be granted.

21 3. Plaintiffs' Complaint and all causes of action therein are barred in whole or in part by the
22 applicable statute of limitations.

23 4. If the Plaintiffs establish that allegedly impermissible conduct occurred within six months
24 of the limitations period, which is denied, a reasonable person in Plaintiffs' position would have filed a
25 complaint with the Equal Employment Opportunity Commission before the limitations period ran on the
26 earlier-occurring alleged conduct.

27 5. Plaintiffs failed to properly exhaust all of their administrative remedies.

6. Defendant exercised reasonable care to prevent and correct promptly any impermissible

5 conduct and Plaintiffs failed to timely bring their claims of alleged discrimination to Defendant's attention
6 even though they knew or should have known to bring such Complaints; when Plaintiffs did bring
7 Complaints, Defendant took prompt and effective action to address such Complaints.

8 7. Plaintiffs failed to comply in whole or in part with the statutory or administrative
9 prerequisites to filing suit.

10 8. Upon information and belief, Plaintiffs failed to file the complaint in this court within ninety
11 days following receipt from the EEOC of Plaintiffs' right to sue notice as is required by 42 U.S.C. §2000e-
12 5(f)(1).

13 9. Plaintiffs failed to mitigate damages, if any.

14 10. Any damages suffered by plaintiffs were caused by actions or omissions of others for whom
15 Defendant Raytheon is not legally responsible.

16 11. Plaintiffs' action is barred by laches. The length of time between the alleged unlawful
17 employment practice and the filing of the complaint was unreasonable, and this delay by Plaintiffs in filing
18 the Complaint resulted in injury and prejudice to Defendant.

19 PRAYER FOR RELIEF

20 WHEREFORE, Defendant RAYTHEON TECHNICAL SERVICES GUAM, INC. prays for
21 judgment as follows:

22 1. That Plaintiffs take nothing from their Complaint;

23 2. For costs of suit; and

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6 3. For such other relief as the court deems proper.

7 Dated this 23rd day of July, 2003.

8 LAW OFFICES OF
9 HORECKY & ASSOCIATES

10 By:

11 Frederick J. Horecky
12 Frederick J. Horecky, Esq.
13 Attorneys for Defendant Raytheon Technical Services
14 Guam, Inc.
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